

Chapter 15.12**PERMITS AND FEES**

(2491-7/81, 2708-12/84, 3037-5/90)

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15.12.010 Permit required. Permits shall be obtained from the City of Huntington Beach for the oil operations, activities, or structures in the City limits of Huntington Beach, as required by this title. (2491-7/81)

15.12.020 Drilling or redrilling permit. Drilling or redrilling shall not be commenced unless or until:

- (a) A copy of approval for such operations from the Division of Oil and Gas is submitted to the Fire Chief; and
- (b) A permit for such operations has been obtained from the Fire Department. Said permit is herein referred to as a "drilling permit." (2491-7/81, 3037-5/90)

15.12.030 Renewal of Annual Permits. On the first (1st) day of July after the issuance of a drilling permit and by the first (1st) day of July of each succeeding year, the well operator or his designated agent shall obtain an annual permit from the Fire Department until such time the well is abandoned as provided in this code. Unless otherwise designated by the Fire Chief, this permit must be obtained in person, from Fire Department Headquarters. This section applies to each and every oil and gas well, whether producing, non-producing, or idle, and to all injection wells. Acceptance of such permits grants to the Fire Department the right of entry to conduct routine inspections and to abate hazardous and emergency conditions. (3037-5/90)

By accepting such permit, the applicant understands and agrees that the Fire Department reserves the right of entry to conduct routine inspections on the property and to abate hazardous and emergency conditions. (3037-5/90)

15.12.040 Annual Permit--Additional Requirements.

- (a) **Fencing:** Beginning July 1, 1983, an Annual Permit shall not be issued for any well in a developed area, as defined in this title, which is not enclosed by a fence which conforms to the specifications contained in Chapter 15.22 of this title, and the regulations of the Division of Oil and Gas as contained in the California Administrative Code as they presently exist or may

hereafter be amended. The Fire Chief may grant an extension of six (6) months so that fencing requirements may be met if the area has become developed since the issuance of the last annual permit. (3037-5/90)

- (b) **Landscaping:** Beginning July 1, 1983, an Annual Permit shall not be issued for any well in a developed area, as defined in this title, which has not been landscaped to conform to the requirements of this title and to a landscape plan, submitted for the review and approval of the Fire Chief and the Director of Community Development. The Fire Chief may grant an extension of six (6) months so that landscaping requirements may be met if the area has become developed since the issuance of the last Annual Permit. Landscaping shall not be required for any well or tank which is not visible from a public street unless the well is within a public park, beach or recreation area which has been developed and open for public use. (2491-7/81)

15.12.050 Waste Water Annual Permit. Oil well waste water shall not be discharged into the City's sanitary sewer system unless a permit therefore is obtained each calendar year from the Public Works Department for every well discharging such waste water into the system. (2491-7/81)

15.12.060 Reworking Permit. Reworking shall not be commenced unless or until:

- (a) A copy of approval for such operation from the Division of Oil and Gas is submitted to the Fire Chief; and
- (b) A reworking permit for such operation has been obtained from the Fire Department. (2491-7/81)

15.12.070 Activation Permit. No idle well shall be activated without obtaining an activation permit in accordance with the provisions of this title. (2491-7/81)

15.12.080 Other Permits. Building, plumbing, electrical, mechanical, fire, demolition, and other permits shall be obtained from the appropriate department in accordance with the requirements of, and in the manner specified by Title 17 of the Huntington Beach Municipal Code. (2491-7/81)

15.12.090 Encroachment Permit. An encroachment permit shall be obtained from the Public Works Department when it is necessary to encroach over public property with any oil operation. (2491-7/81)

15.12.100 Fees Set by Resolution--Fee Payment Date. Fees shall be required for the issuance of each of the permits required pursuant to this chapter. Such fees shall be set by resolution of the City Council. Said resolution shall also determine the conditions of payment and collection of the required fees.

The annual inspection fee shall be due and payable on July 1 of each year and, if not paid, shall be delinquent on August 1 of the same year.

The waste water annual permit fee shall be due and payable on January 1 of each year and, if not paid, shall be delinquent on February 1 of the same year.

The drilling, reworking, and activation fees shall be due and payable at the time of application therefore. (2491-7/81)

15.12.110 Permit Procedure. A use permit from the City's Zoning Administrator must be obtained prior to application for a drilling or activation permit from the Fire Department. The use permit shall be filed with the Fire Department. The application for a use permit shall contain the following required information: (3037-5/90)

- (a) The complete legal description of the property;
- (b) Plans and engineering specifications of structures, drilling derricks, drilling masts, tank and high-pressure systems regulated by this code. Applicant need not file plans and engineering specifications of standard derricks, masts and tanks when such standard plans and specifications are already on file and approved by the Fire Department;
- (c) A plot plan showing the location of all oil facilities on the oil operation site including, but not limited to, wells, tanks, dikes, pipelines, heaters and storage sheds;
- (d) The location of the nearest public road or alley, occupied residences and commercial structures within five hundred (500) feet of the well; also the location of all churches, hospitals, rest homes, schools, preschools, nurseries and places of public assembly within five hundred (500) feet of the well;
- (e) An insurance policy in conformity with the provisions of this title; (3037-5/90)
- (f) A landscape plan which meets the requirements of this title. Exemption: reworking permits and wells which are not in developed areas, as defined in this code, shall be exempt from this requirement.
- (g) A statement signed by the applicant under penalty of perjury declaring that he is duly authorized on behalf of the operator to sign and file the application certifying that the information contained in the application is true and correct. (3037-5/90)
- (h) The permit application form shall contain, in bold face type, the following statement:
(3037-5/90)

NOTICE

Any decision by the City on this application may be appealed to the City Planning Commission and to the City Council by the applicant, or by any interested person pursuant to the appeal procedure contained in Huntington Beach Municipal Code Section 15.12.180.

15.12.120 Permit Utilization. No permit issued hereunder shall be valid unless utilization of the privileges granted thereby shall be commenced within 120 days from and after the date of issuance of the permit, or if after commencement, such activity is suspended or abandoned at any time for a period of 120 days.

If no work has commenced and the 120-day commencement period has not expired, the permittee may request, in writing, an extension of 120 days, or a refund of fifty (50%) percent of the fees paid. No refund shall be allowed once a 120-day extension has been granted. (2491-7/81, 2708-12/84)

15.12.130 Additional Permits. The permits required by this title are in addition to and are not in lieu of any permit which may be required by any other provision of the Huntington Beach Municipal Code or by any other government agency. The Fire Department shall not issue any permit under this title until all other permits required by other municipal departments have been issued and all fees have been paid. (2491-7/81, 3037-5/90)

15.12.140 Persons Liable For Fees. Each of the persons whose duty it is to obtain any permit shall be declared and made to be jointly and severally liable for the payment of the fee required to be paid. (2491-7/81)

15.12.150 Penalty For Delinquency. Any delinquent fee shall be subject to a penalty in an amount equal to ten (10%) percent of such fee. Such penalty shall be added thereto for each month for such delinquency, and shall be collected as part of such fee. (2491-7/81)

15.12.160 Grounds For Suspension Or Revocation. The Fire Chief may suspend or revoke any permit issued by the Fire Department under the provisions of this code upon finding any of the following: (3037-5/90)

- (a) A permittee has failed, neglected or refused to perform, comply with or abide by any of the conditions of the permit; (3037-5/90)
- (b) That permittee has failed or neglected or refused to comply with or abide by, or has in any way violated any of the provisions of this code, or of any other ordinance of the City, or any other law, rule, or regulation either directly or indirectly, by reason of or in connection with or incidental to his conduct of oil operations;
- (c) If any of the permittee's operations or the continuance thereof upon the premises covered by the permit are a menace or hazard to public or private property, or to any interest of the City, or to the lives or safety of persons;
- (d) Any of the permittee's operations or the continuance thereof upon the premises covered by the permit constitutes a public nuisance as described in this title;
- (e) Permittee has made a willful misrepresentation of facts in any application for any such permit, or in any report or record required by this code to be filed or furnished by permittee. (2491-7/81, 3037-5/90)

The Fire Chief will set forth his findings in writing and send notice of the same to the permittee. Said notice will contain a date upon which the suspension or revocation takes effect. (3037-5/90)

15.12.170 Effect Of Suspension Or Revocation Of Permit. No person shall carry on any operations performed under the terms of any permit during any period of permit suspension or revocation, or pending a judgment of the court of law upon any application for writ taken to review the decision or order of the City in suspending or revoking such permit; provided, however, that nothing therein contained shall be construed to prevent the performance of such operation as may be necessary in connection with a diligent and bona fide effort to cure and remedy the default or violation for which the suspension or revocation of the permit was ordered, or such operation as necessary for the safety of persons or as required by the Division of Oil and Gas. (2491-7/81)